

KITTERY PORT AUTHORITY

APPROVED
August 2, 2012
7:00 p.m. – 8:50 p.m.
Council Chambers

Members Present: John Carson, Chairman, Barry Bush, Bob Melanson, Kelly Philbrook, Tom Smith, Joan Castellano and Harbormaster Mike Blake.

Members Absent: Ray Grenier

1. Pledge of Allegiance

2. Minutes:

Mr. Melanson moved to approve the July 5, 2012 minutes as amended

Mr. Bush seconded

Motion carries unanimously

3. Budget Report

- End of the year report shows expenses at 2.2% over FY 2012 budget;
- The 2.2% overage does not include pending bills of approx \$8,000, including the flag pole, pumping and work on the holding tank, and Eldridge lumber.
- 2013 Operating Budget.
 - Requested \$15,000 for part time employees, received \$12,000;
 - Employee major medical benefit is not needed, saving approximately \$9,000;
 - 'Other professional services' will take a hit again this year because of the pumping costs, though steps have been taken to address this;
 - The FY 2012 budget was \$93,271; request for FY 2013 was \$109,654, and \$102,632 was received.
- CIP – no final report has been received, however it is anticipated there will be \$6,000 provided for hurricane moorings and \$5,000 for a dinghy

There were no questions from members on the budget report.

4. Harbor Master Segment

- Navigational aids in Pepperrell Cove have been replaced with new aids. The older aids had been in the water since 2005 and were beyond reasonable repair;
- Resume of Allen Breton for position of Assistant Harbormaster submitted for KPA consideration;
- Draft of Rules and Regulations regarding mooring renewals and temp program submitted for possible further review at the September meeting;
- A large beam under the Morrison Lobster restaurant was moved with Gary Wennenberg's help. In checking with local historians, it was determined to be of no significance;
- Following electrical storm, an overturned kayak was found in Barters Creek and returned to the owner;
- CMP was contacted to place a submarine cable sign between Gooseberry and Phillips Island, required for safety. This will be accomplished within a couple of weeks;

- Two sailboats in Pepperrell Cove with sails undone were tended to;
- Fishing and non-fishing issues need to be addressed, possibly limiting fishing to the pier on the east side;
- Letters of mooring revocation will be going out in August;
- The Harbormaster phone needs replacement due to connection and service problems. Kittery I.T. staff offered to place the Harbormaster phone on the Town's plan for better service.
- Moorings are 90% paid, with over \$1,000 transient moorings and \$1,300 in boat launch fees received since the end of June.

Mr. Carson stated the Assistant Harbormaster position ultimately requires approval by KPA following recommendation by the Harbormaster. There is a probationary period. The position is voluntary, but it is hoped the position will be compensated in the future. It was recommended that the second harbormaster position be a local individual. Mr. Carson asked that Mr. Breton attend the September meeting to meet the KPA members.

Mr. Melanson asked about the jumper off the Piscataqua River Bridge. Mr. Blake stated he has no further information other than that reported in the news.

Ms. Castellano asked how much the new phone would cost and who authorized its purchase. Mr. Blake stated he does not know what the cost would be as it is part of the Town's plan, but he has not signed any agreements with the Town and will wait if ~~she~~ preferred. The selected Town plan has been researched and used Town-wide so it should be a good plan, both for cost and service. Mr. Carson asked that Mr. Blake inquire as to the cost of the phone and plan and present to the KPA at the next meeting.

5. Marinas, Piers, and Floats

- Public Hearing – Application of Laurie Smith to construct a 4' x 40' pier with a 3' x 40' ramp and a 10' x 12' float on the property of Laurie and Greg Smith at 24 Goodwin Road, Gerrish Island, Kittery Point, ME 03905. Liz Dupre of Clear Water Environmental, Agent. Ms. Dupree noted this is a revised plan, adding a mean low water note and arrow, adding 'seasonal' to the float and ramp, and other minor, clerical changes to the application.

KPA members had no questions of the applicant's agent and there was no discussion. Milton Hall questioned the length of the pier and suggested it could be shortened to 30 feet. Members agreed, noting most piers in the area are 20-25 feet, and there could be an economical benefit to shortening the length, as well as keeping it in character with the surrounding area.

Mr. Carson asked the agent if she would accept the minutes as the Findings of Fact. Ms. Dupre agreed.

Mr. Melanson moved to approve the application of Laurie Smith to construct a 4' x 40' pier with a 3' x 30' ramp and a 10' x 12' float on the property of Laurie and Greg Smith at 24 Goodwin Road, Gerrish Island, Kittery Point, Maine.

Mr. Bush seconded
Motion carried unanimously by all members present

6. Public Segment

- Larry Estes asked about the no fishing sign at Frisbee's Wharf.
- Fred Barnett asked why the KPA cannot act on the phone and the Assistant Harbormaster rather than putting a decision off for another month.
- Milton Hall asked about the location of the port-a-potty at the Traip ramp.
Were the Back Channel moored floats approved by the ACOE? Mr. Carson stated they were.
Rules and Regulations need to be updated to correspondence to the Town Code Ordinance.
- George Dow asked why the Treasurer was not reporting on the budget. Mr. Carson stated he has been working with the Town on the year end budget which is why he reported. Mr. Dow further stated, as a taxpayer, he believes the purchase of a phone does have to go through the KPA to assure the budget is adhered to. He asked about the Assistant Harbormasters and was advised the two prior assistants were not paid, except in the interim between Harbormasters. He asked about the condition and upkeep of the restroom and its availability for use, and the cost to maintain the septic tank. Mr. Carson stated the restroom is closed at 6:00 p.m. to save on the cost of pumping. Mr. Blake stated he and Elaine Barnett maintain the restroom, including opening and closing. Mr. Carson commented the Port Authority operates the only public restrooms in Kittery, and they are one of the largest costs in the budget. The KPA is attempting to stick with the budget.
- Dick Draper stated the Harbormaster needs a phone. As a fisherman he has not found the restrooms to be unclean, though they need to be open by 6:00 a.m. He also stated a ladder needs to be installed for the fisherman's use. Mr. Carson stated ladders are budgeted and will be installed shortly.
- Elaine Barnett stated she cleaned the bathrooms in the morning and again in the evening. However, the budget prevented her from working at the beginning of the season. Now the Harbormaster has to do it and, with all of his other responsibilities, this is a lot to ask of him. She has started cleaning again and is willing to clean more often if needed.
- Larry Estes asked how money is saved closing the restroom. Mr. Carson explained money is saved by reducing the amount of pumping required.

7. Projects

- Frisbee Pier Replacement
Mr. Smith stated the replacement is complete. Mr. Carson noted there have been total expenditures of \$449,875 charged to the Pier account, exceeding the MOU of \$353,231. Many of the charges have to do with Pepperrell Cove, but not the actual construction.

8. Correspondence & Comments to / from the Chairman

- Mr. Carson stated the KPA looked at phone plans and chose a Wal-Mart/Verizon plan as the most economical, utilizing prepaid minutes. The phone has been causing problems all season. The reality is the Harbormaster must be able to communicate. The phone budget has routinely been exceeded. The Harbormaster stated the phone drops calls and

messages are not received in a timely manner. He requested the KPA authorize the Chair to approve the purchase of a phone for the Harbormaster.

Ms. Philbrook stated the prior plan worked and wants to be assured that any new plan purchase falls within the budget. Other members concurred. Mr. Smith noted cell phone service is problematic in Kittery Point. Fred Barnett suggested whoever the Police Department is utilizing is the logical choice.

Mr. Melanson moved to authorize the Chairman to approve the purchase of a new phone and plan for the Harbormaster within the budget.

Ms. Philbrook seconded

Mr. Melanson noted combining with the Town system is logical. Mr. Smith concurred.

Motion carried unanimously by all members present

- The no fishing signs at Frisbee Pier were placed because people were fishing off the floats, creating navigation hazards with approaching boats, leaving trash and squid ink on the pier, damage to inflatables, etc.
 - Larry Estes stated the area could be hosed down.
 - Is the Assistant Harbormaster authorized to give parking tickets? Mr. Blake stated they do not.
 - Clint Reid asked how fishing restrictions will be enforced.

Discussion followed as to who was using the pier. Mr. Blake explained it wasn't only the fishing, but the parking and traffic, attitudes and property damage; and it had to be controlled. He recommended opening fishing from the floats only, and self-policing of the area. Mr. Smith concurred with the description of the problem and the number of people fishing, mostly from New Hampshire, because they have no area to fish other than in Kittery. Mr. Bush noted fishing at the Government Street Wharf is problematic as well, and concurred with Mr. Blake and Mr. Smith. Ms. Philbrook would support opening certain days and not fishing off of dinghy floats, and suggested a fishing permit for residents. Mr. Melanson agreed with Mr. Blake's decision and supports his efforts should a similar decision need to be made again.

- Dick Draper agreed with Ms. Philbrook, noting the problem is not with local people. Mr. Smith asked how this would be monitored and controlled.
- Larry Estes asked about cameras on the pier and suggested signage identifying fishing areas and rules for using the pier. Mr. Blake stated the cameras are too far away to activate and would have to be re-located to see people fishing.
- Gary Wennenberg stated a salt water fisherman's license is required by Maine law, and a similar license for fishing in Kittery could be included.
- Mr. Carson stated the deed for the pier requires the pier be available to the public, not just Kittery residents. He asked that the Harbormaster come up with appropriate sign language.

- Pepperrell Cove Comments
Mr. Carson stated toilet tissue, paper towels and soap have been stolen from the restroom.
- Peter Walsh Resignation – Mr. Walsh will be working with the Department of Public Works. Mr. Carson thanked him for his service to the Port Authority.
- Harbormaster weapon – Mr. Carson stated that the historic procedure has been for the Police Department to add the Harbormaster name to the list of people on the Town's insurance.
- Scott Mangiafico indicated he was wished to move his floats. Mr. Carson told him to appear before the Port Authority before he does anything. Mr. Blake will visit the property.
- Grant Application & Fund Raising
-SHIP Grant Application is complete and includes utilities to the Harbormaster shack, improvements to the restroom, and ladders. Following previous discussion, it may be better to delay submission to Stage 2, in November.
- Annual Report has been submitted.

9. Board Members - New and Old Business

- Ms. Philbrook asked that the bathrooms be kept open from 6:00 a.m. until 9:00 or 9:30 p.m. Ms. Barnett said she could do that.

Mr. Melanson moved to adjourn to Executive Session

Ms. Bush seconded

Motion carried unanimously by all members present

10. Executive Session – Personnel Matters in accordance with MSRA 405(6)(A)

11. Adjournment

Mr. Bush moved to adjourn

Mr. Melanson seconded

Motion carries unanimously

The Kittery Port Authority meeting of August 2, 2012 adjourned at 8:50 p.m.

Submitted by Jan Fisk, August 15, 2012